

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

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ADAM J. DARCY,

Plaintiff,

v.

NEW JERSEY TRANSIT RAIL  
OPERATIONS, INC.,

Defendant and  
Third-Party Plaintiff,

v.

ATLANTIC COUNTY IMPROVEMENT  
AUTHORITY,

Third-Party Defendant and  
Fourth-Party Plaintiff,

v.

SMG f/k/a SPECTATOR MANAGING  
GROUP,

Fourth-Party Defendant

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Civil No. 04-5907 (RBK)

**ORDER**

THIS MATTER having come before the Court upon cross-motions for summary judgment by Third-Party Plaintiff New Jersey Transit Rail Operations, Inc. (“NJT”) and Third-Party Defendant Atlantic County Improvement Authority (“ACIA”), disputing the issue of whether ACIA is contractually obligated to indemnify NJT for any injuries suffered by Plaintiff

Adam J. Darcy that are found to have resulted from NJT's negligence; and the Court having considered the moving papers and the opposition thereto; and for the reasons expressed in the Opinion issued this date;

IT IS HEREBY **ORDERED** that ACIA's motion (Docket Entry No. 29) is **GRANTED**;  
and

IT IS FURTHER **ORDERED** that NJT's motion (Docket Entry No. 28) is hereby  
**DENIED**.

Dated: May 8, 2007

s/ Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge